

Trade in America 16.
TYRANNY UNMASKED,

A N

A N S W E R

T O A

L A T E P A M P H L E T,

E N T I T L E D

T A X A T I O N N O T Y R A N N Y.

Profunt minus recte excogitata, cum alios incitent saltem ad
veritatis investigationem. *Fulb. & Bartol.*

Motos præstat componere fluctus. *Virg.*

When Justice calls,
The noble mind feels honour in concession.

Thompson's Edward and Eleonora.

L O N D O N:

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WASHINGTON, D. C.



TYRANNY UNMASKED.

NO subject has for a long time more generally engrossed the attention of the British nation, nor any at any time with greater earnestness, than that of American Taxation. The press has now for many months, without intermission, teemed with the freest and fullest discussions of this matter. On all sides it has, for the main, been canvassed hitherto on the cool consideration of parliamentary power on the one hand, and the extent of popular privileges on the other: All seemed content to support or oppose the taxing of America in the British Parliament, as that measure should appear right or wrong, from the spirit of our free constitution.

B

In

In deference to truth and fact, it must be observed, that reason and argument have for some time plainly decided the matter in favour of American exemption. Without doors, the much boasted supremacy of Parliament, to tax an unrepresented and unrepresentable part of British subjects, hath hardly a single mouth left to echo it. Within the two great national assemblies, *the question* now decides, for government, those measures, which government no longer strives to discuss. It may still go on to adopt such as may promise success to it in its present struggle with America; but the generality are nevertheless unanimous, that America cannot constitutionally be taxed here.

In this state of the matter, when all men had hitherto weighed it by law and constitution, as applied to the specific circumstances of the American Colonies, and when thus *put in the balance* it began to shew itself *wanting* on the side of government; steps forth a most redoubted
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ministerial

ministerial champion, who tells us that *Taxation is no Tyranny*: thus shaking off at once all the shackles of local circumstances, specific rights, and constitutional liberties; cutting asunder the several knots, which all former combatants, finding themselves bound by them, had patiently tried to untie; and, with his own right arm, laying the Americans on their backs, stunned, silenced, crippled, defeated, at the mercy of government,

NOTHING indeed can be more decisive than the principle, which this advocate has chosen to convey the sense of his performance. It scorns exactness, as it scorns all fear. It scorns limitations, it scorns circumstances; rejecting all mesne views, it darts to an universal conclusion at once: *Taxation is no Tyranny*. We must consider this as an universal proposition. At least, it must be meant as a catch-word, to lay hold of those, who cannot reason; or to make those who can, and who think America injured, distrust for a moment, at least,

their reasonings. And truly, if men can be brought to swallow this proposition, it will prove an effectual *quietus* to silence the Americans, and to allay all the present ferments, excited by American taxation, in the British Empire. But, was ever a more daring proposition offered to mankind? one more insulting to common understanding? 'Tis too absurd to deserve a confutation. To attempt to give it one by ever so little reasoning, would be an abuse and waste of sense. But to Englishmen the assertion is attended with double shame and effrontery: though it is entirely of a piece with what tyrants, and the tools of tyrants, even in this nation, have ever wished to establish; and therefore, though not new to Englishmen, yet the more unpardonable by them, who have ever shewn their indignation against it, and risen in fury to crush it. Methinks, therefore, the Author might have chosen a more cautious and decent sentiment for the index to his pamphlet; one more near to truth, one less irritating to Englishmen.

But

But these are times, perhaps, for ministerial advocates to try, what Tory-doctrines may be disseminated.

THE pamphlet before us evidently fathers itself upon one of such principles. And here, before I proceed further in this thought, I cannot help remarking, that it is exceedingly odd to find, so early as in the third generation from the time that we put an absolute exclusion, as we thought, upon Toryism from the government of these realms, Toryism now again making its way upon us in open publications, countenanced even by an administration. This is indeed exceedingly grievous to all honest men; because, if government approves it, it teaches others the worst lesson against itself; as it insinuates, by a most odious implication, an injury done to those, who lost the crown of England for their Tory principles.

IF it should be found further, that the writer of the pamphlet above-mentioned is
so

so much distinguished by the immediate notice of government as to be *pensioned*; the remark I have just made will require other and stronger terms to be given to it, before it will adequately express my feelings. Fame strongly confirms this circumstance; and fixes that production on an eminent lexicographer, who has, on former occasions, drawn his pen to gloss over the bad measures of this very administration, and to save them, when gasping for life. If we may judge indeed from the internal marks of style and diction, I know not any writer to whom we should be more apt to ascribe so * *operose a deduction*, than to that same person, whose very *operose* pen hath consummated more works of *operosity*, than that perhaps of any man existing; and now (if this same be true) is more *operose* than ever, having the defence of a minister added to its other *operosities*—the vindication of dark and difficult Machiavelian politics superadded to, perhaps

* Taxation no Tyranny, pa. 2.

super-

superfeding, the plain and pleasurable pursuit of science and the muses. Yet, notwithstanding these appearances, I can hardly concur in fixing this production on that gentleman: Because, on one hand, though he is pensioned, I have no doubt he would never convict himself out of his own mouth, nor invite the obloquy of the world, by becoming so very a pensioner, or (in his own words) so very * *a slave of state*, as to be *hired by his stipend to obey his master* in all things: And yet, having once passed that definition, he must (if this production be his) inevitably have damned his own definition, or have damned himself for a slave. On another hand, when I consider with what singular virulence that gentleman has, all his life-long, written of the *Revolution* and the *House of Hanover*; I can as little believe that he would undertake the vindication of a minister in these days, as that a minister should employ him—reversing what

* Eng. Dict. verb *Pensioner*.

rulers have ever shewn (I will not be so harsh as to say here to *traitors*, but) to *deserters*, and the *half-converted* of every kind, by *loving* and *trusting* the *deserter*, however they might *love* the *desertion*.

WHAT effect that pamphlet hath had upon the public, I know not. But if it hath operated upon others, as it hath done upon myself, it must have rivetted all who have read it in an unalterable conviction, that America is unjustly dealt with. I understand however, that a great man in office hath thought proper to become the herald of its merits. He said there was *an abundance of wit* in it. Whether there be this or not, every one will judge for himself. But if there be no *argument*, or only little of it, I cannot see what all its *wit* can be worth. In my judgment, *wit* has no sort of business in the present question, nor can be employed in it, without bespeaking those who employ it to be, even in their own consciousness, on the worst side. I grant however, on recollection,

lection, that people may be *outwitted* of their *property*: and when that property cannot otherwise be fairly obtained, I know of no other mean but *wit*, by which it can be come at. I am one of the first to believe, that if the property of the Americans is wrested from them by British Taxation, it must be by *outwitting* them. In this view, therefore, I wonder not at all that the *wit* of that pamphlet should be so well spoken of. For if *that* be the ministerial battery against the property of the Americans, perhaps he that proclaimed the *wit*, and he that wrote it, may be equally dexterous in playing it off.

WHATEVER figure this gentleman may make in *wit*, he makes, I will venture to say, a very poor one in *argument*. If he be that Colossus of knowledge above hinted at, never could he have let himself down lower. Not even, when he attempted to palliate the wretched timidity, which sacrificed to our enemies the Falkland Islands and the honour of this nation to-

gether, was he more unfortunate, than when he vindicates the present blustering despotic measures against our fellow-subjects in America. But, in candor, I cannot lay the blame on the writer, but on his cause. *There is no making bricks without straw. Ex nihilo nihil fit.* Not all the wit, nor all the industry of man, not all the learning of *Johnson*, can strike abundance out of that which is barren, reason out of that which is absurd, nor make palpable wrong appear to be right. Accordingly, the writer of that pamphlet, whoever he is, hath left the ministerial cause very lamely defended. Whoever looks for argument from him, must be disappointed : Whoever is convinced by him, must be previously determined to be so convinced. No subject can be more loosely treated. There is an evident shyness in him at coming to the point. If ever he does so, he seems impatient in his situation, and eager to quit it. He dwells chiefly on the outlines of his subject, where his observations are seldom pertinent,
oftner

oftner bold than exact. He seems to promise himself more from plausibility than truth ; and to make invective, of which he is ever exceedingly profuse, supply the place of argument. Thus, notwithstanding the high-sounding title he has given to his book, we find it not in any degree proved ; After all the expectations we were bid to form from that, and the name given to the writer, what has he told us ? but that *the mountain labour'd, and brought forth a mouse.*

I might therefore comprise in very few pages what would be a sufficient answer to all those parts of his book, which come at all close to the point. But as the most straggling thoughts, when they are supposed to come from able writers, are apt to have an influence on many, beyond their specific moment in the question ; and as the ministerial party are rather industrious to puff that performance ; I shall investigate it from the beginning to the end : Observing this, once for all, that

where I find our author dealing in generals, and in detached arguments, I shall always bring them to their proper test in the main question; that being, as I conceive, the only way to know, in this or any other controversy, whether we advance towards the truth of it, or stand still; whether they who engage in it, throw any light upon it, or only intend to mislead us.

OUR author sets out with a position, which he would have us to consider as an axiom. And it is right at all times to build upon a foundation. But then we must see that the foundation be a sure one; else, what we lay upon it will tumble upon our heads. Now this position, when it is to bear the weight of American taxation, happens to be a weak one; yet it is sophistical. Let us hear what it is.

The supreme power of every community has the right of requiring from all its subjects such contributions as are necessary to the public safety, or public prosperity.*

* Page 2.

I can

I can have no objection to this position, where all the parts of a community are upon an equal footing, as to all the great advantages of society, and especially as to all the means of property, the source of contributions. If any particular parts of the community lie under any restraints in any of these circumstances more than others, then it evidently loosens the frame of the position; at least, it inevitably introduces an inequality in the contribution, proportioned to the inequality of their conditions. In order therefore to see what degree of decision this position can have in the present question, we must bring it to the touchstone of American circumstances.

In this view, the Americans immediately appear to us under very considerable restraints, not felt by the rest of the community, as to that which is now the greatest mean of property, and the most copious source of contribution, at least in the British empire—their trade and commerce

merce. Tied down by the act of navigation, they can convey the produce of their own country to no other markets but those of the parent-state; nor can they supply themselves with what they want from other countries, but thro' this. Thus the advantages of their commerce are reduced to them, in proportion to the advanced terms on which they receive commodities from us, beyond what they could have them from others; which in most instances is not less than Ten Pounds per cent; while, on the other hand, those advantages are engrossed by their fellow-subjects in Britain, and absolutely taken out of their pockets: The manufacturer and merchant, enriching themselves, derive also supports to the nation, from sources shut up to the others: The landholder, sharing in the local felicity, finds his lands from day to day swelling in their value: And both the labors of the one and the produce of the other, may be transmitted, without restraint, to any part of the world.

Now

Now this, in my opinion, breaks in upon the terms of the above position very materially ; and introduces a consideration, which renders those terms not sufficiently specific to be applied even as a medium for the decision of the main question. If an inequality in the participation of national advantages may fitly create an inequality in national contributions ; this certainly greatly reduces the original question itself. For by our authors own confession, page 14, *The Americans do not refuse to contribute at all to the exigences, whatever they may be, of the British empire.* And it also answers, for the present, the representation on which the minister some little time ago dwelt so strongly in the House of Commons, that “ the people
 “ in America contribute to the exigences
 “ of Great Britain but as six-pence to
 “ every twenty-five shillings contributed
 “ by the people of England.”

Comparing what our author hath said, in the place last quoted, with the terms of
 his

his position above, the observation we have just made on the proportionable measure of national contributions will appear the more seasonable and necessary; as it is obvious that he had in contemplation an equality of contribution, or something like it, from the several parts of a community. But as I will suppose that idea rather inconvenient to him by this time, I will imagine that he meant in his position only to lay a foundation for requiring from the Americans *some proper contributions*. We will therefore go on to apply his position, in this view, to the case of America; and enquire what complaints she is open to, on either of the two main grounds of obligation, suggested by the position, viz. the *public safety* and the *public prosperity* of the community. For if no just complaint can be made against her on those grounds, I see no use nor sense in the position, nor in the pamphlet itself.

How

How then is the fact? Did not America contribute to the *public safety*, in the last war, so largely, that parliament even refunded to her what she had advanced beyond her ability? And Governor Barnard himself declared, so late as the year 1765, that some years must pass, before even the forwardest of the provinces, with raising very large sums annually, could be able to discharge the debts they had contracted in the public defence. And in the more equal times of peace, I must again quote our author* for the proof, that the *Americans do not refuse their contributions to the exigencies, whatever they may be, of the British Empire.*

CONTRIBUTING then to the *public safety*, they must of course contribute to the *public prosperity* of the community. Yet, here I must beg a word; as the latter term, however proper in the general use of the position, becomes more fallacious than just, when it is applied as a ground

to vindicate the present ministerial system of American taxation. It is indeed the colour, which is borrowed to tinge all the ministerial measures: it is the pretended sanction under which they are formed; it is the very catch-word for taxing the Americans: they must contribute to the *prosperity* of the community.

BUT is it then for the *prosperity* of the community, that they should maintain shoals of Excise and Custom-house officers? Is it for the *prosperity* of the community, that they should be taxed to establish other place-men and pensioners among themselves, or to multiply them among us? Is it for the *prosperity* of the community, that they should raise a revenue for corrupting more of the representatives of the people, making prerogative invincible, and establishing despotism here as well as in *Canada*? I would not be invidious, and the less so when I speak to the minister, who personally deserves well of all men. But let him say, how it comes to pass, that

that the finances of government, now far greater than ever, leave the civil-list more sunk in debt than ever; or, let his creatures forbear to tell us, that the Americans are to be taxed for the *prosperity* of the community.

It appears, I think, from hence, that our Author's position, which he hoped would pass for a solid foundation to support the whole ministerial scheme of taxing America, is much too weak and too loose to bear it, is not sufficiently comprehensive for the peculiarity of circumstances in the question, is too vague, and even fallacious in its terms. And therefore tho' it may (as he says) have been *ever considered by all mankind as comprising the primary and essential condition of all political society*; yet it may well be *disputed by the zealots of anarchy* (as he is pleased to stigmatize them) *in America*, as not sufficient to conclude in their question, to wrest from them either *inadequate* contributions, or contributions drawn from them in an *undue and*

unconstitutional form. But, of this last circumstance, more will be said in its proper place.

ONE would naturally have expected our author, after he had laid down this position, to have pursued it to his favourite conclusion. But here we are disappointed. As if he was uneasy in such close quarters, he instantly starts away in a descant upon the *anti-patriotic prejudices and pleas* against the ministerial system of American taxation, which takes up from the bottom of the second, to the bottom of the sixteenth page. In this long interval, therefore, we are not to expect any thing to the point. Some little declamatory flourish, a general invective, an affected ridicule, and attempt of wit; the manifestation of a most callous heart, and the silly story of the Pied Piper, are what fill those vacant pages. However, as he plainly thought these might have their use, I shall just take notice of some of the more remarkable parts as they occur.

He

HE treats the general prejudice against the ministerial plan of taxing America, as the first monster in nature; the monstrous principle of hating one's country.* But this, like the daring title to his pamphlet, is over-leaping premises to a rash conclusion. Surely he ought first to have shewn that the ministerial plan of taxing America is constitutional and advantageous, which he hath yet industriously avoided; or that they, who believe they are supporting constitutional liberty, and the best interests of their country, hate it; or that to hate the measures of a minister is invariably to hate their country. I agree with him when he says of this prejudice against one's country, that it is the most detestable and unpardonable of all prejudices. But when he says further, that *it has never been his fortune to find, either in ancient or modern writers, any one honourable mention of those who have thus blindly hated their country*; I beg leave to answer, that I deny this *in totis terminis*. There

* Pa. 3.

have

have been men, and he himself must know it, even in this nation, who have ever de-claimed loudly in behalf of high prerogative; have supported all the measures, and even all the pretensions, of the *Stuart* family; have inveighed with rancor against the *House of Hanover*; traduced the glorious Revolution; and employed all their art in writing to abet despotism in all its shapes;

T' explain our dear-bought rights away,
And plead for pirates in the face of day;
With slavish tenets taint our poison'd youth,
And lend a lie the confidence of truth*.

Who can *hate their country* more than these? These men have been pensioned, What more *honorable mention* can be made of any?

When he says,† that the *antipatriotic prejudices* above-mentioned (which I should think rather might be called *antiministerial*) *like abortions, have not strength for long life,*

* See London, a Poem.

† Pa. 4.

I leave him to enjoy his wit ; happy in the retrospect of the successes, with which such antipatriotic prejudices have ever hitherto been attended in this country ; and therefore reasonably trusting that they will in this case live, to shew that some sparks of virtue still remain in Britons, and to crush those who have impiously endeavoured to extinguish them.

When he sneers* at the *tender tale of men flying from tyranny to rocks and deserts, working hard for bread in a wild country, and after obtaining it by the slow progression of manual industry, invaded and plundered of it by unprecedented oppression* ; he sneers at a tale, which would reach the feelings of all but the harpies of taxation. I pity that brutality of heart that can insult it ; that slavishness of spirit which feels not misery in the relation. Surely the pamphleteer never read those lines which *Johnson* wrote ; or, if ever he felt and approved them, his heart belied him. If the same

* Pa. 4, 5.

hand had written both, I should have said, it shews us how a man may *sell himself* and all good principles *to Moloch*; what a wretch, what a devil, in short, court-corruption can make of him.

Has Heav'n reserv'd, in pity to the poor,
No pathless waste, or undiscover'd shore?
No secret island in the boundless main?
No peaceful desert yet unclaim'd by Spain?
Quick let us rise, the happy seats explore,
And bear oppression's insolence no more*.

He is pleas'd next to take notice† of the argument, which urges the iniquity of loading with revenue taxes those, whose commerce is tied up under close regulations. But he gives us no sort of answer to this; and I cannot wonder. For I will say, that a commercial monopoly, united with a civil monopoly, over the property of any people, is slavery in the extreme, if there be slavery upon earth; and therefore is not to be justified in any state, which makes the least pretence to freedom.

* See London, a Poem.

† Pa. 5.

HE says*, that the friends of America artfully try to *alarm our interest by accounts of their greatness and opulence, the fertility of their land, and the splendor of their towns*; and surely it is with good sense they do this. Our author himself, when less aware, hath confirmed the propriety of this argument, pa. 47, urging strenuously, that *their wealth is our wealth, and their ruin will be our ruin*. On the mention of this, however, he seems to feel a kind of triumph in this place, at being able to draw this consequence from it; *that then we should begin to think it reasonable, that they who thus flourish under the protection of our government, should contribute something towards its expence*. To which I can make no better answer, than by quoting his own words once again, *that the Americans do not refuse their contributions to the exigencies, whatever they may be, of the British Empire*.

WHAT he says in the two next paragraphs †, is a mere idle relation of out-

* Pa. 5, 6.

† Pa. 7.

door talk ; upon which I think it not material to make any observation, as I can gather nothing from himself thereon, but that he seems impatient to draw the sword against the Americans, ready to follow them through their pathless woods, and to combat them, though they should shoot up, every man, like the hydra.

AFTER this *, he comes indeed to something upon which one can animadvert a little. It were odd, if amidst the various pressing objections to the taxing of America, he did not cast one look upon commerce, and notice what she had to say. And he does just cast one look ; but that a scornful one. He owns indeed, but as faintly as possible, that *our commerce with America is profitable*. Does he not know, that the year before last we drew from her above five millions in return for our manufactures, and for many years have drawn more than three millions ? Yet this commerce is barely *profitable*. One would

* Pa. 8, 9.

really

really think that this writer's ideas were wholly absorbed in pensionary property; so insensible he seems of the effects of this commerce. Yet he goes one little step further. He owns that *it is our interest to preserve it*. Now we shall be able to take some issue with him. How then will it be most effectually preserved? He says, *surely by being kept in our own power; that is, not by concessions, but by superiority, mastery and victory*. A strange method this, of keeping in our own power what depends on beings like mankind. I have ever understood, that love and moderation will work far more forcibly and durably on human nature, than fear and violence. Certain it is, that the obedience extorted by these last will continue no longer than the necessity is inevitable. The will certainly will revolt upon the first opening; and it favours of reverie to suppose, that the Americans, at the distance they are from us, and growing as they are daily in numbers and strength, and withal wise and knowing, will have no opportunities

of throwing into other hands any of those services, which we demand and take from them as our slaves.

BUT we will suppose force exerted. A stagnation of commerce between us and the Americans ensues. Now if we were the only people, who looked to the Americans for their trade, or with whom it was most convenient for the Americans to trade, the prospect might be something better. But we know that *France, Spain,* and *Holland* have traded with them, and ardently seek to trade more. They rely on America for the supply of many articles of life. We cannot imagine that they will not use and improve all the occasions of intercourse with America, during such stagnation. They know, as well as we ought to know, that, besides the present emoluments of that intercourse, if they can but bend any branches of its trade towards themselves, those branches, having no other weight to turn them for a time, will be likely to continue in the
same

same direction, in spite of great attempts after to recover them. For the current of trade, like that of waters, when it has once broken its wonted channel, and taken a new course, is hardly possible to be driven back. There is no forcing commerce, any more than credit: Alike chaste, reserved, and delicate, both equally shun the hand that would rudely constrain them. Again, both equally fly from the careless, inconsiderate, abusive possessor. They must be courted, studied, valued, and preserved by all judicious attentions. A separation for a moment mostly becomes one for ever. It argues the greatest want of thought, to sport with or hazard any branch of commerce that is valuable to a nation; and great want of information, not to know, that of all things nothing is so hard to be regained as a lost, or even a declining, one. To leave therefore our American commerce exposed to the issue of a violent contention with America, is absolute insanity. If she should prevail
over

over us, we can expect no other but that our trade with her is gone to perdition. If we should prevail over her, still it is unlikely that minds steeled with hostility, and thinking themselves aggrieved, should seek with equal desire, in future, the reciprocal intercourses of commerce with those that aggrieved them. But, at best, can *superiority* and mastery give us more than the flourishing commerce we had with her, till the late measures interrupted it?

ONE would be led to think, when we hear the necessity of this *superiority* and mastery, for the sake of preserving our American trade, so much urged, that this trade began to droop of late, and to be much in danger of going from us; and that from hence such resolute measures arose. But I will not seek for them in any rational account. I believe, they have more resemblance to the mad conduct of restless *Pyrrhus*, than to any thing else. He was continually meditating one expedition

pedition after another against unoffending people, in order, as he told his servant *Cyneas*, that when he had subdued all, *he might enjoy himself in great plenty and good wine.* And the question *Cyneas* asked him, is much the same as that I would ask of our administration. *Cyneas* said, *Can your Majesty be better provided in these respects than you are now?* I say, "Can our trade, when we have subdued America, be better than it was the other day?"

ON this part of the subject, doubtless those, who are most deeply concerned in the trade to America, could have spoken with great precision, and useful counsel. They know minutely the value of that trade to this country; and they can apprehend pretty nearly, how far a contention may be likely to force it into other channels. But this counsel and intelligence our author rejects with most fastidious contempt. Not content with this, he has even given us a most invidious character

racter of these persons. He represents them as a blind, selfish, senseless race of beings ; *panic-stricken* by every appearance of *an unfavourable commercial balance*, and unfeeling to *every other public circumstance* ; squinting evermore to *private gain and emolument*, but *without sensation of glory or public wealth* ; and therefore *unfit to be consulted about things of wide extent and distant consequence*. I leave him to the contempt, which so gross a trespass upon decency and truth, and so base an attack upon characters, which support the glory and wealth of this empire more than any others in it, must have exposed him to. But there is a plain reason for this contemptuous treatment of the merchants. Had they been heard, the whole present system of colony-politics must have been blown up. They would have produced such *damning proofs* of their impolicy, as it would have been equally impossible to have contradicted, and to have gone on opposing, in the same plan of measures.

YET

YET the traders of *Birmingham*, we find, are excepted, with great *eulogium*, out of this blind and insignificant group of beings.* I own myself greatly shocked at finding this mentioned. A petition, urging the drawing of the sword against fellow-subjects, breathes such a ruthless spirit of barbarity, as ought in a civilized state to have consigned it to immediate ob-
 divion and everlasting infamy. Those traders (as our author calls them) may have been so long familiar with the instruments of human slaughter, that all feelings may be hardened; and they may review the idea of butchered multitudes with as much unconcern, as the grave-digger handles bones and skulls, or as any undertaker daily handles and tumbles about his deceased species. Nay, they may have a pleasure in knowing that their instruments butcher well; and an interest in looking for a further demand for them in the same service.

Pa. 9, 10.

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BUT the boldness of our author amazes us equally as much as their, more than heathen, fellness. Why he should advance a notorious untruth, is unaccountable. I am sure, his cause needed it not: for the support of only one or two small parts, out of the extensive community of Great Britain, will never be able to justify or uphold the measures of any administration. He well knew, because every one else knows it, that they who signed that petition from *Birmingham*, are not *traders to America*. But perhaps he was designedly ambiguous; and poorly meant, under the general word (*traders*) to avail himself of what countenance that singular petition could give; even at the expence of being detected.

THE next step our author takes*, is to ridicule, with all his might, the idea of the *Bostonian heroes betaking themselves into other parts of that continent, and turning fishermen and hunters*, rather than submit to illegal taxation. So magnanimous a

* Pa. 10, 11, 12.

proof of an indomitable free spirit might give them credit with mankind, and represent them as *heroes* indeed: and therefore 'tis his business to make them sick of it, by converting it into a full proof of slavery. He says, *who can be more a slave, than he that is driven by force from the comforts of life, and compelled to leave his home to a casual comer.* This is certainly a new and unheard-of description of slavery, reserved for this author to discover. I beg to know where is there a stronger demonstration of freedom? It is the very trial of a free mind to renounce *all comforts of life*, rather than submit to lawless power. It is the constant evidence of a base and slavish one, to accept the last for the first. Every revolting, relaxing, corrupted patriot, in every age, proves the melancholy disagreeable truth. A man takes a place: he thenceforth

Votes a patriot black, a courtier white.*

Perhaps in doing this, he contradicts a series

* See London, a Poem,

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of

of his own exertions in support of liberty. What is the motive? *The comforts of life*, or what he thinks its comforts. What shall we pronounce him? All will agree, *a slave*. Another man bears many difficult circumstances, and foregoes many real *comforts of life*, rather than unite in establishing oppression upon himself or his posterity. Who is the *free man*, if he is not? If these terms belong not respectively to these circumstances, then have we been wrongly taught the use of words; and I would advise our author to prevail with Dr. *Johnson*, in the next impression of his Dictionary, to define a *slave* to be one, *who retires from all the comforts of life, rather than submit to illegal power*.—Here, we see, there is but *the choice of evil*. And therefore when our author thinks he has hampered the idea of freedom, by leaving it only that choice; I beg leave to tell him, that in the choice of evil *is* freedom; nor can this have any other possible choice, where oppression shakes its rod. But then there is no other surer proof, that oppression

sion

sion rules, than when freedom has but so sad a choice.

HOWEVER, let not our author go off with treating such designs in the Bostonians as contemptuous. For whatever they may do, as much and more hath been done at all times for liberty in every way. The *Vaudois* protestants, in the valleys of *Piedmont*, and their ancestors, did and suffered as much for *liberty of conscience*, as the Bostonians can do this way for *liberty of property*. Every martyr'd patriot, who has bathed the scaffold with his blood, has done and suffered much more. When the Bostonians themselves shall execute this design, they will only do and suffer the very same things, which their ancestors did before them. And I have no doubt, if no better alternative be given them, that not only the heroes of *Boston*, but the much quieter heroes of *Philadelphia*, will shew themselves ready to suffer all things, and *be free*.

I HAVE

I HAVE now done with our author's descendant upon *antipatriotic prejudices and pleas*. He begins to bend a little at length towards the main question : But yet shyly. For after proposing it over again, * in words which go very little further, if any, than his first position, pa. 2. and acquitting the Americans from any refusal of taxation, as such ; " he flies off to " gather up another *antipatriotic plea*, " which insists that the Americans ought " to be left to tax themselves in their own " assemblies, as being the only proper " judges of what they can bear." He has made a great parade in setting forth this plea † ; but it is remarkable, that he has not said any thing in contradiction to it, only this ; that *it supposes dominion without authority, and subjects without subordination*. I beg his pardon. It supposes no such thing. It supposes no less authority over America, than the same circumstances suppose and give authority at this instant over *Ireland*, and supposed and gave once over

* Pa. 13, 14.

† Pa. 14, 15.

Calais, when it was a part of our empire. Will any man say, that *England* has a dominion over *Ireland* without authority? Why then say it of *America*? I should think the supposition would have stood better thus; that this plea *supposes dominion without arbitrary power*; which would correspond with the very spirit of our constitution.—As to the latter clause of the supposition which speaks of *subjects without subordination*; I never heard it so much as insinuated till now, that subordination was incompatible with any power in subjects, and particularly the power of directing the disposal of their own property. For then, I will be bold to say, there is no subordination in *England*, but the House of Commons is a House of Usurpers, and not of subjects. This part of the supposition might do very well in *France*; but it favors greatly of folly and assurance in *England*. Nay, our author himself, who is not always uniform, contradicts it hereafter in sense, though not exactly in letter, when

when he says, pa. 23. that *subordinate societies may have many immunities.*

But to the plea above-mentioned. It will be sufficient to say in vindication of it, that it proves its validity on this plain principle, which has ever given efficacy to taxations in every state, and created independant powers for it in federal parts of the same state; viz. that they, who impose taxes on the public, ought to have such an interest by property among the people who are taxed, that they may be considered as having first put a charge upon their own property, the moment they have made the law. They are therefore also the best judges of the quantity they can bear; and no others whatsoever can possibly be so.

Having long waited for the discussion of the main question, we find our Author at last entering upon it*, but in a manner

* Pa. 17.

that

that will surprise many. Like a true philosopher, he takes it up *a priori*. And whenever I find a man doing that, I always conclude that he wishes to fight in the dark. There is a peculiar darkness in this part of his treatise, for which the only reason I can suppose is, that he did not care to bring his matter more into light; though he has contrived it to fill no less than fourteen pages, which is some convenience.

However, it is my part to bring him to light, if possible. And I will endeavour to give him credit for all the views, which I can conceive he might have; though I am only left to collect them from interspersed scraps.

He sets out with giving us an account * of the nature of migrations, ancient and modern; and has taken pains to acquaint us, that after the world became civilized, discoveries and conquests made by emi-

* From pa. 17 to pa. 24.

grant-adventurers in foreign countries, were made not for themselves, but for the sovereignties they came from and belonged to. In this, I know not any body that will dispute with him. But this alone does not go to his purpose. Therefore we are told, that after colonies are settled, they continue still *parts of the mother-community*, in the closest and strictest sense; as more than limbs, even as *Vessel-Ramifications* in the body, *through which one common Interest is circulated, flowing from its original source in the heart, and made vital by the radical vigour of the mother-country.* He could not have expressed it stronger.

His image is very ingenious, as well as his art. And both are well calculated to captivate the reader, and carry him from the true ground of the question to a fairy-delusive one; in which, if our author can but get him to set down his foot here, he will presently entertain him with castles in the air that shall appear real, and arguments that shall seem consistent.

As thus : if there is this close and universal participation of one community, between the mother-country and all her colonies ; then the next step he takes will appear to the reader but natural, viz. that *one supreme authority*, and only one, *per- vades both*.

From thence it may also be very speciously represented, that all colonies are but so many *corporations* within the realm, hanging by charters, and abiding the fate of charters, at the pleasure of the supreme authority.

The conclusion then will consolidate all, and so shake hands with the Declaratory Act of 1766 ; that this supreme authority *can bind* and rule by its laws all the several parts of this community, however distant from each other, *in all cases whatsoever*.

Now to his ground-work. If there be any one point of truth on which we can rely, in the investigation of the circum-

stances of America, it is this, that our colonies there, when settled, did not continue *parts of the mother-community*, as *ramifications for the circulation of one common interest* to the whole: but they became *distinct states*, though not *independent* of the crown of England. I have ever understood it to be one of the incontrovertible *data* in political law, that all acquisitions of foreign territory, whether by cession, conquest, or discovery, belong to the crown, and are at the absolute disposal of the crown only to give away, unless by the royal assent they are annexed to the realm. If this position be not true, then I apprehend the late *Quebec* act would have lost its very foundation. The act too, for rendering *Gibraltar* unalienable by the crown from Great Britain, was a meer senseless nullity, on any other principle.

The lands in America then belonged wholly to the crown: they never were by royal assent annexed to the realm of England. As their own proper disposal, our
sovereigns

sovereigns from time to time gave them away. In every gift they constituted so many *distinct* states, *dependent* however on the crown; for what was not, previously to their taking it, to whom it was given, annexed in proper form to the realm, could not, by their taking it, become so. That they were subjects, made not an *iota* of alteration in the case; for, *quoad hoc*, subjects or aliens, it was immaterial; the sovereign could have granted the lands to whom he pleased. And that subjects may separate themselves from their own community, and put themselves in distinct states, Mr. *Locke*, with the common reason of every man, and the free rights of nature, attests clearly.

Our kings themselves, who gave the first charters for American colonization, both *James* and *Charles*, declared fully to parliament, upon two memorable occasions, that they considered their charters as forming distinct states, and that those colonies were not annexed to the realm of England.

All

ALL the charters of the colonies, from first to last, confer to them privileges and legislative powers, which plainly bespeak *distinct* states, and are incompatible with any other. To say, that the executive power cannot give away or release that obedience, which is due to parliamentary authority, is talking widely from the point. For the lands in America wholly belonged to the executive power, and were never subject to the parliamentary, because they were never annexed to the realm,

EVEN the clause of limitation, which much in the same words runs through all those charters, expressing that the laws made by the respective Colonists *shall not be contrary to the Laws of England*, can never be wrested to reserve an obedience to the British parliament: no man can possibly read in it more than that the Sovereigns meant, that the English constitution should be the model of their laws, and should grow up there as here.

HAVING

HAVING thus, we think, rendered the *fabric* of our author's *vision* a *baseless* one; we may save ourselves the trouble of pulling down the fanciful superstructure he tries first to erect upon it, the *one supreme authority, which pervades his whole community*. It will tumble of itself. For if the colonies, in their first erection, were not strictly within the realm, then supremacy cannot spread itself over them in the same degree it does over us.

OR, supposing them to be within the realm: still this *supremacy* cannot rob them of the common privileges which all other subjects enjoy; and, among these, least of all that privilege, which must lie at the very foundation of the constitution, and therefore be somewhat more than coeval with this supremacy itself, which can at best be considered as the roof of the superstructure;—I mean, the privilege of being *represented* in the legislature. So that let this *supremacy* be what it may, it will still be imperfect to decide
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alone this or any question on taxation. A previous point must first be introduced and heard. Or, our author must give his *supremacy* full power at once to eclipse all *representation*, in all the other subjects of this land as well as the Americans. To recal the image I used above; this roof of the building must tumble in, and bury every thing it is spread over, foundations and all. And I verily believe, this will literally come to pass in the British nation, if *supremacy* can now compel the Americans to be taxed.

BUT our author, as if aware of this, has taken care to arm his *supremacy* for the purpose: among its other sovereign powers, he tells us, *it extends or contracts privileges*. What more would we have?—He may perhaps be surprized, when I tell him, I shall join issue with him. It *does* extend or contract *all* privileges. But how? *For the good and happiness of the people*, and for that alone. If present privileges are in any respect, and in any hands, too great
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for those ends, it may contract them, and it ought. If any are too little for the same purposes, it may extend them. On this principle, the glorious Revolution stands. On this the privileges of the House of Commons stand; which are undefined; why? Because they were first intended as fortifications to the people against the stretches of prerogative; and therefore were left to grow continually, as they should be needed. Here then is a true constitutional touch-stone to determine what *supremacy* is, what it was designed for, and how far it can operate. It can do all the things that our author ascribes to it, to *better* the people, but it can do nothing to make them *worse*, in freedom and happiness. And if it could, our ancestors would have acted the part of idiots, in leaving it in the power of an arbitrary supremacy to mar and undo all the beautiful frame, in which the several parts of the constitution were put together, evidently for the felicity of the whole.—*Supremacy* therefore can no more rob or
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abridge

abridge America of a privilege essential to freedom, than Englishmen.

THIS at the same time discovers, what degree of validity there is in the reason, on which our author grounds the fullness of this supremacy, viz. that *there must be in every society some power or other, from which there is no appeal*: I suppose he means, *for its preservation*; as it stands at present, it speaks no meaning, *it is so, because it is so*. But what preservation can be desirable to any society, unless in happiness and freedom? To be preserved as a society, with the loss, or even the imperfect enjoyment, of these blessings, is worse than not to exist at all.

THE idea therefore of an indiscriminately absolute supremacy in government, is an ignorant, false, and ignominious idea, when adopted by an Englishman, and applied to the English constitution. Yet this is the very idea our author gives us.*

HE has set it forth in its full orb, with not a single ray wanting. I shall only poorly abridge it. He says, "it is unlimited, unquestionable, irresistible, every thing but infallible. *Summum jus, summa injuria* are the same in its hands. The reason is, there must be in every society an absolute omnipotence, not to be appealed from."

I MIGHT deny this whole language, independent of the distinction I have above given, and observe that, however it may be true in other places, it is not the constitution of England. Does not the author know, that there are many things which the supreme authority of this country cannot do, and *the constitution remain* at the same time? If I name any one circumstance, I overset his whole position, and mangle the whole of his beautiful painting. Can the supreme authority (he and I must both mean the *parliament* of this nation) take the executive power of the state into its own hands? But many

other proofs will arise to every man's thoughts. All the great lines of public freedom our ancestors left, like the laws of the Medes and Persians, unalterable. Not being so chimerical as to fancy, that none of these would ever suffer in future; but plainly shewing us, that they fixed a constitution for us, which should ever be able to vindicate and recover itself from any abuses, in the hands of those who should have virtue to seek it. And, without this, I cannot for my part see any difference between an universally *unlimited* supremacy and an *arbitrary* supremacy.

BUT the description of supremacy, and the reason for it, which he gives, has ever been the cant of prerogative times; and indeed without that reason, prerogative cannot advance an inch. Now a-days things are conducted in so much a more plausible form, that court-writers may use the argument in behalf of parliament, and not prerogative; and yet the effect may be the same. This unappealable fullness of
power

power has been preached up to exist in any part of the legislative authority, as it has been wanted. When the rights of election were to be invaded; it was maintained to be in the House of Commons. When fellow-subjects, who are only dependent on the crown, and not annexed to the realm of England, are to be taxed by parliament; then this *dernier-resort*—Sovereignty is seated in the supreme authority.

BUT we must not overlook the reason, for which this supreme authority is decked out in these colors of god-like plenitude. The next step of his vision will shew us, that he meant it to hurl down *corporations*, having now brought the Americans under that figure within the reach of parliamentary thunder, from which any single spark of fire breaking forth will immediately consume their charters to tinder.

I need not argue here, that they cannot be considered as *corporations* within
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the realm of England ; because the light in which I have above placed the Colonies, (and which I defy the world to contradict) as having nothing to do with the *realm* of England, but the crown only, will effectually overturn all that our author can produce from his principles. But supposing for a moment, in order to please him, that the colonies are of the nature of *corporations*. What will he say, when he hears what *Treby* and *Pollexfen* so firmly urged against the invasion of the charter of *London* (an invasion, not a jot better or worse than our author is an advocate for) ; “ that since the foundation
 “ of the monarchy, no corporation had
 “ ever yet been forfeited, and the thing
 “ itself implied an absurdity ; because its
 “ individuals might offend, and be punished ; but a corporation, as such, was
 “ incapable of crime or offence.”

Again : If they are *corporations*, they are corporations created by the crown, upon a subject-matter which belonged peculiarly

culiarly to the crown, and was not within the jurisdiction of Parliament; and therefore by Parliament they cannot be affected.

BUT nothing can be more absurd than this representation; and yet nothing is more echoed from every ministerial mouth. The differences between the two cases is immediately visible to every eye: And yet, because a charter lays the foundation of both, men are not able to see an inch further. But look at their respective powers, and all appears in day-light. A corporation may make laws. What sort? *Bye-laws*, for the purposes of its own regulation. Why no other laws? Because it is subject to the Parliament of England, and within the realm of England, where its individuals incommon with the rest of the realm, partake in that representation, which covers every inch of land, and every occupancy, in the kingdom.

TURN

TURN to the Colonies. They are invested with the power of making laws for themselves in all cases whatsoever, which do not militate with the system of law in England: They are out of the realm of England: They are not only represented in their own assemblies; but *no where else*. You may call, if you please, the laws they make, *bye-laws*. But if you call them so, as you do the laws of common corporations, because they are made in what you call an *Assembly*, which appears to your eye of less magnitude than a British House of Commons, and for a local government; it is certainly as improper as to call *Lake Erie*, *duck-pond*, because it is not the *Atlantic Ocean*.

BUT these corporations of all kinds our author represents as in a very ticklish situation. They hang, according to his account, as it were by a thread. For*, *charters are in their nature liable to change or revocation; where they are even inconvenient, as well as misapplied, they may be le-*

* Page 27.

gally and equitably repealed. Times have been indeed, when this was current language; but now it rather surprizes us. I hope this gentleman is in no secrets. But, at any rate, one may surely expect from *him*, not to represent prerogative as totally faithless. The crown therefore, we hope, will not so hastily repeal and revoke. And if he means that the legislature may do so, I remind him again, that those charters were granted by the crown, in circumstances wherein parliament could not interfere. And if parliament could not lay its little finger on *Gibraltar*, without the royal consent, I cannot see how it can lay all its loins on a colony charter. The facility therefore of rescinding these charters may not be quite so great; I mean constitutionally. For that the weakest must ever go to the wall, if the strongest will drive them to it, every one knows. But the Americans may happily take some comfort from what our author says elsewhere; and I love to repose on his authority where I can. In pa. 43 he says, *to all*

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the privileges which a charter can convey, colonists are by a charter evidently entitled. What more do we want? No privileges whatever could be given in the land of America, but from the crown by charter; therefore, so conveyed, they are unimpeachable. And what privileges a charter can give, hear from him in pa. 29; the colonies, incorporated by English charters, are entitled to ALL THE RIGHTS OF ENGLISHMEN. In pa. 38, he says a little more; they who form a settlement by a lawful charter, having committed no crime, forfeit no privileges given by it. I hardly know what he means by a lawful charter; I know of no charter, in any case, but from the crown. Here no settlement could be lawfully made in America, by delegation from any power in this kingdom, but the crown: the colonists, therefore, are only amenable to the crown; no other power can call in their privileges; and, by our author's account, a crime must be committed, committed not against any other power in the state, but the crown only.

THE

THE conclusion with which our author winds up* his very dark and intricate discussion of migrations, the all-pervading supremacy of mother-countries, the ramifications of colonies, their corporate natures, and the slipperiness of charters, may now be got over without difficulty. It is answered already. The reader has already anticipated the answer, in the genuine idea of colonization we have above given, viz. as forming, out of what is absolutely at the disposal of the crown alone, *distinct states*, yet *dependent* on the crown, but not on the dominion of parliament. And therefore it cannot make laws to *bind them in all cases whatsoever*.

A question which has been often put by the advocates for taxing America, will naturally present itself here to the mind of the reader : and as our author adverts to it* in a page or two from hence, I shall bring it hither, rather than renew the subject in another place. It has been said,

* Pa. 30.

† Pa. 32, 33.

that parliament can either bind the colonies in all cases, or in none : but they have acknowledged themselves bound by the Act of navigation in particular. And our author says, *they have admitted statutes for the punishment of offences, and for the redress or prevention of inconveniencies ; and then concludes, the reception of any law draws after it, by an indissoluble chain, the unwelcome necessity of submitting to taxation.*

Acquiescence and right are ever different things. The colonies may have acquiesced in many of our laws both of policy and commerce over them, for reasons best known to themselves. I will venture to say however, from the best authorities, that those were not reasons of blindness and ignorance, but of quietness and love. From the first hour of their being settled, there was no time, when parliament was not nibbling at their rights. But shall we say, that acquiescing thus, their rights became a tittle different from what they were before ? The consequence, derived from the
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incontrovertible truth, that they were formed distinct states, is but, and can but be, one ; and like our author's darling, florid supremacy, pervades the whole mass of their constitution, and covers all their rights from extrinsic interference. It is not our interest to probe this consequence too far : It is not wisdom to push it upon us : And though dragged into it by our author, I shall chuse to throw a veil over it, when it would present itself in all its nakedness. But if the Colonies, rather than avail themselves of their right to a distinct legislation and government, suffer or prefer a limited obedience to the British parliament ; does this give parliament a right to exact an unlimited one ? *Grotius* * says truly, that *what is at first unjust, is never otherwise*. And on the other hand, *right*, as lord Coke says †, *may be trodden down, but it can never be trodden out*. If the colonies had acquiesced ever so much under the act of 25 Car. 2. which was the

* De Jur. Bel. & Pa.

† 1 Instit.

first

first, that laid taxes on them (though *not for a revenue*) ; that would neither have made the *Stamp Act* more just, nor their resistance to it wrong.

BUT the above objection may be answered another way, supposing the colonies dependent on the parliament of England. Legislation and taxation are distinct things in our constitution. The forms of proceedings in our parliament must make this distinction familiar to us. Taxation rests more immediately in the assembly where the people are represented. There only it originates, and what originates there can neither be added to, nor diminished from, by the Upper Assembly, who are merely legislators creative or judicial. They may assent or dissent, only ; and this alternative is necessary, or their property would be taken out of their pockets without their consent : A delegated one they cannot give ; it must therefore be personal. A bill of supply is not simply a *law*, but a *gift* from the people. We make laws to
bind

bind *Ireland*, and *Ireland* yields obedience to our laws, for regulating its policy and commerce. An attempt to tax them, I suppose, would be treated as such an invasion deserved. Why then, may not the latter fitly claim its own taxation, though it submits in other things to parliament? And how will it follow, that *its reception of any law whatever draws the necessity of submitting to taxation?*

Having now seen our author through the whole of his system, for bringing the Americans under the taxational supremacy of Parliament, I must stop for a moment my further pursuit of him, while I take up an observation which presented itself in the midst of his history of migrations, and which for its rarity I cannot pass. I was not willing to spoil the compactness of his system arising out of that history, and therefore will go back to the passage now. Speaking in Pa. 22, of *Columbus's* discovery of America, he says, *no part of the world has yet had reason to rejoice that he*
found

found a reception in it; nay, it was a year that has proved hitherto disastrous to mankind. What a stroke at once to navigation, and all its dependent discoveries! Then all you celebrated voyagers, who are dead, ought to be damned for your pains. And all you others, who are living, *Phipps, Banks, Solander, &c.* are blockheads: Even ye, royal fathers of your people, know not what ye do, when you stimulate such adventures, which only become *disastrous to mankind!*

It is astonishing, to what excesses of prejudice, spleen, and absurdity men can bring themselves, when obstructed in any ardent pursuit, especially when obstructed in the haughty career after power and domination. Minds, that are strongly tinged with prerogative principles, have ever been observed to be most susceptible of irritations from hence. Because the Americans will not consent to be hewers of wood, and drawers of water, for us; our author thinks it better that they were at
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the bottom of the sea. I flatter myself, he will have no thanks from his employers for this declaration of his zeal. No man of common sense, who has any property in this kingdom, can be so stupid as to join with him. It will yet require more logic than he hath hitherto given us, to prove, that a year, which gave the means of pouring millions annually into this country, maintaining many, many thousands of its manufacturers, and raising all its lands from eighteen to thirty years purchase, or more, was a *disastrous* year to us. For my part, I see it, in another view, the most fortunate year for the people of England, that ever marked the annals of time. It opened a door for us to that happy territory, which promises, in the virtuous spirit of its present people, to keep itself free, and to give the enjoyment of entire freedom to their fellow-subjects in this isle ; when freedom, sharing here that fate, which growing luxury and growing dominion have every where brought upon it, shall have utterly for-

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faken us, mixing us with the rest of the nations that with fear and trembling, not only reverence the rod, but kiss it.

WE will now attend our author again. *Montesquieu*, and all other friends to mankind, have ever insisted, that "in every free state the people should have a power of consenting to the laws by which they are bound." On this principle, it has been maintained, that representation is essential to taxation, as the only mode of *conveying the consent of the people*. Our author thinks* to weaken this argument, by retailing after others, that *the same thing must hold as to every other law, as well as that of taxation; and at this rate, a man might pretend not to be bound to undergo punishment, or to be called to any onerous service, without his consent*. Why, the same reasoning *does* hold true of every other law whatever. But, in the circumstances he has adduced, I hope he does not suppose a man *punished or onerated*, but in virtue of some particular

* Pa. 31, 32.

law: for then certainly the man would be right to renounce the obligation, because he had never given his consent. But if he means in virtue of some law; what law is there known in England, which was made without the people's consent? Let a man therefore be *punished* or *onerated*, though by ever so inferior a degree of magistracy, he must have *consented* by his representatives to the law under which it is done, as much as if he were *taxed*. The objection therefore is contemptible, whether in the mouth of our author, or any other. It supposes impossible circumstances among us. There was a time when this might have been urged, in *Star-chamber* days, where men might truly say they were *punished* and *onerated* without their consent. And perhaps our author borrowed his objection from that date. But he goes on* to blow away this whole doctrine of *consent* in the people, and hopes to effect it by one single puff. He observes, that *if this consent carries not the power of re-*

* Pa. 33, 34.

refusal, it is a false idea. Shrewdly said, good Sir ! And you are dexterous at refining. But conscious, that in answer to this quibble, we had nothing else to do but to lay the scene of the argument in the House of Commons, where *the power of this refusal* would immediately stare him in the face ; he instantly shifts it to a tumultuous *election*. He shews us in how few hands, among the whole popular mass, the choice of delegates resides. He then minutely subdivides those very electors, till he leaves an immense group defeated ; and shews us to how little purpose their voice amounted, when at last they must *almost half be governed not only without, but against their choice.*—The representation he gives is an answer to itself. When he will vouchsafe to shew us, how *unanimity* can be drawn from large bodies of men ; we will subscribe to his doctrine, that, in the present use of it, *consent* is a sound without meaning. Till then it must remain with the majority.

BUT

BUT he has yet another card to play for the game. It is obvious that we live, generation after generation, in a settled acquiescence under a system of laws, which have been made, many of them, for centuries. And how then, says he, can we pretend to have *any consent in the laws by which we are bound? All the consent we have is a tacit admission which we are born with; other consent than this civil life allows not.*— If he had said, *mortal life*, he had saved me the trouble of an answer. For other consent than that, I see not how we could have, unless we could have lived from the beginning to the end of the constitution. However there is then, it seems, no way to prove, that we have a real power of consent and refusal, but by pulling the constitution to pieces, though we might put it together again the next moment. This argument is indeed much of a piece with the measures which this writer vindicates. For we must believe, the ministry think there is no way of shewing that they have power, but by throwing the
empire

empire into convulsions, though they would leave taxation to the Americans, when they have done.

From hence our author glides, for a little while, into American resolves. The empty light chicanery, the sophistical disputations, he employs against those plain and solid truths, which *the winds are wafting from the western continent*, are not worth our close pursuing. He that can be seduced by them, is not worth convincing. They might serve very well for an exercise in the schools; but it is an affront to mankind, to decide by them the dear rights of society, and the substantial happiness of free people. A great deal of what follows in the treatise before us (though with no regular continuance) is employed in these perversions of truth and common sense, upon what the Americans have delivered in the resolutions of their several congresses. And therefore, as I firmly believe, what they have there delivered to us, and to the world, will speak for itself
against

against all that this writer, or any other, can gainsay ; I shall more lightly pass over those parts, which cavil thereat, than I have done preceding ones ; noticing only such as are more remarkable, and have some pertinent relation to the question.

To what he says in pa. 37. I answer, that no man whatever in this country, whether emigrating or abiding, ever ceded to King and Parliament either the right or power of disposing, *without his consent, his life, liberty, or property*. And it cannot be required of the Americans to prove, that parliament ever ceded to them a dispensation from obedience to itself ; because, when their ancestors emigrated to America, they had a right (according to *Locke* and all other writers) to separate from the community, and to form a distinct one, where they pleased ; and they left the authority of parliament behind them.

What he says, pa. 38, is below notice; only I conceive he may pride himself in the discovery, for he repeats it again, pa. 41. I therefore answer; upon his reasoning it will follow, that every man in England, who may remove himself into *Ireland*, the *Isle of Man*, *Gibraltar*, the *West-Indies*, or pethaps some of our settlements in the *East-Indies*, continues still represented in the English parliament, and is subject to be taxed in any of those places. This is really new and sensible.

To what he says in pa. 39, continued to pa. 42, I shall only observe, that there is nothing like a man's going through thick and thin, when he is once engaged. The Americans, it seems, not only have no power of exclusive *taxation*, but they have not even a power of *legislation* in any sort. He is very happy, in pa. 39, in quoting upon an American planter, with much ridicule, *ubi imperator, ibi Roma*. To which I answer, with another quotation from Mr. Addison, a freeholder is but
one

one remove from a legislator.

In pa. 44. and 52 indeed, he gives the Americans just as much legislation as the vestry of an English parish. And when he seems to give a reason for this in pa. 42, that *being constituted by charter, they can form no body of independent legislature*; I answer, that then all their charters are a heap of lies and frauds. But I need not say this, for he contradicts this himself in the very next page, where he says, that *they have a right to all the powers which the king has given them.*

In this same paragraph, pa. 43, he thinks he has knocked up the congress of Philadelphia, who claim *all the privileges secured to them by their several provincial laws*, with saying, that *it is a conceit of the other hemisphere, that men have a right to all which they have given to themselves.* Why not, if what they have given to themselves, be what they have a right to give? If their charters have given them a right to make all laws for themselves (which our author is the first that has yet

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denied,

denied, and in the face of fact) they may certainly count what is done under those laws *secure*, and claim it. They can have no special immunities, under any other, next to their charters. They may therefore, doubtless, extend their own immunities as they please, so long as they break not through the only restraining clause in their charters, that they shall make no laws contrary to the spirit and model of the *laws of England*. When, therefore, our author can shew powers of any such latitude, given to any common corporation in this kingdom, we will allow *corporations* and *colonies* to be one and the same thing, and their incapacity of extending their immunities alike. But this is a favorite language with him throughout his book, and with all ministerial men of late. And I must here observe once more, to this insolent comparison, let it be used by whom it may, that in a case of charters, before a court of justice, the idea of *corporations* may serve judges and lawyers to argue from, and to decide upon; but the rights

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of great and extensive communities, are too serious and important to hang upon such a point of wrangle; and in the pushing of it, the greatest empire upon earth may be ruined.

Our Author now comes * round again, as it were, to his charge, with an objection, which we are to believe is fatal to American exemption. *The charter of Pennsylvania contains a clause admitting in express terms taxation by the Parliament.* Not to dispute about a mere form of words, I will grant what he says, in his own terms. But it will not serve him, when I have done that. The history of that time will shew us, how that clause came there. From the first settlement of colonies in America by our sovereigns, in virtue of the rights of their crown, Parliament (as I have once before observed) were ever nibbling at their rights. In those days our kings sided with their colonies, their own grantees. And the first *James* and *Charles*

* Pa. 44.

prevented one and the same bill from taking place, which was intended to introduce a parliamentary jurisdiction into America. In the 25 *Car. 2.* the same spirit shewed itself again in parliament, by passing an act for laying a tax, though a *commercial* one, on America; which is well known to have made as great a ferment there, as the present measures do at this moment; for the governor of *Virginia* was obliged to fly from his residence. Upon a remonstrance to the crown, the king took the same part that his ancestors had done, in favour of the colonies, against the claims of parliament. The act became ineffectual. In a short time after this, and during the same ministry who had carried the last-mentioned act, the charter of *Pennsylvania* was granted. The principle of parliamentary jurisdiction, though baffled in the late act, must not be abandoned. They must at least appear uniform. The clause above-mentioned was therefore inserted. As our author says in another place, *humanity is uniform*: So are ministers

nisters. Who sees not, that this measure is in the exact spirit of another under our present ministry? who, when they were obliged after laying duties in 1767 upon various commodities sent to America, to take those duties off, yet in the act of repeal kept hold of the duty on *tea*, merely to hang the parliamentary jurisdiction upon it. And shall the reservation in the *Pennsylvanian* charter conclude further, as to right, against America, than the reservation in the article of *tea*?

But the charter of *Maryland* draws again as much the other way. It would have looked very partial in our author, not to have noticed the express and full exemption it contains from all foreign taxation. But he cannot be pent up in a corner: when he is, he becomes deadly.* That charter is merely *local*, and is a *bad* one. *It can be pleaded only by the Marylanders; and must be annulled.* The first tells us nothing that we knew not before.: The last

* Pa. 45.

does.

does. And I leave it to those who may be affected by it; though I own it is somewhat tender in him, to prepare them before-hand. But, as if Dr. *Tucker's* shoulders were broader than his own, he wisely throws upon them the bold release from this clause at once. *It promises no exemption from parliamentary taxation.* But this is one of the doctor's *reveries*: Tho' it is not a virgin one to him, for it has been enjoyed by a dozen at least before him. What the doctor and the rest mean, is, that it was intended to exempt only from taxes imposed by prerogative. To which I shall answer, with this *dilemma*. The Marylanders, with the rest of the colonies, either are British subjects, or they are not. If they are British subjects, then it is absurd to talk of taxing by prerogative. I leave the other part of the alternative, with all it will draw after it, to the doctor and his company, if they like it.

Our author, however, is willing to clench the matter at once, with the authority

thority of *Davenant*, who, in pleading against *Molyneux* that our laws could bind *Ireland*, considered it as *only necessary to prove that the Irish are a colony*. Why then do not we try this, and annihilate at once their legislative authority, or however their taxational one? But both then and now it might be answered to *Davenant's* argument, *sub judice lis est*.

He comes * next to the cardinal hinge on which the whole question turns;—turns by the moderation and affectionate dispositions of the Americans, who are unwilling to push the rights of their chartered constitution to that utmost line which would encircle them as distinct states, and therefore say, that, as dependant on the parliament of England, they cannot be taxed in England, because *taxation and representation are inseparable*. I must observe, that having smothered this swelling argument within him, through so many labouring pages, he apparently expires with uttering it, as if it exhausted

his whole vital breath. He is able just to follow the first utterance of it with a page and an half; and then, after panting a little with the *old member*, he collects his breath again for about two pages more upon it, and DIES. For as to what follows, in long quotations from the continental congress, occasional sarcasms, and the beautiful analogy from *Truro*, I am convinced every body will think, what he himself knows, that they were only intended to bring his pamphlet to bear Eighteen Pence.

BUT it were fit he should give us a reason why he treats this, which is the very marrow of the question, so briefly and so lightly. We have it. It *carries sound without meaning*. It is a pity these sort of writers cannot agree with one another. For Mr. *Hume* says, in his *History of England*, that it is the point of which *the English were ever, WITH REASON, particularly jealous*.

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As a *sound without meaning* our author accordingly treats it. Every reader of him must have observed, that it is not his meaning to come into close quarters. It is his continual effort to subtilize, when he ought to reason; and to convert into air, what is founded on rocks. The reader will recollect, that when he was obliged to notice that principle, which gives the very foundation to *representation*, viz. "the natural right of the people to have a *consent* in their own laws;" he tried to make us believe it was a *sound without meaning*. He is at the same game again here. Representation, when brought to fact, he tells us, vanishes in delusion. It is a thing, *whose whole effects, expected or desired, we feel*, but cannot discern. It is, in short, (to wrap up his idea in the justest image) a sort of guardian-angel hovering over this isle, whose benign influence we actually participate, but without knowing where or when it rests itself: and as it thus hovers over us, it may as easily take America in the sweep of its flight, as con-

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fine itself within the air encircled by the British Channel. This is *representation*.—As our author plainly chuses to keep off the ground, so I do not chuse to fight the air; and therefore I shall leave him to the honour and happiness of his own vision.

It is not the least curious part of this phantom*, that *the Americans are as secure from being aggrieved by an unjust measure in this proposed taxation, as Englishmen at home. For they can neither thrive nor suffer, but we must thrive or suffer with them.* So it would be as good an argument for a man to leave his house open, secure that none would enter it to rob him; because *we are all members one of another.*—If he can persuade the Americans to put this confidence in *our* representatives, he will *outwit* them with a witness. I will rather say so much for our government, that I believe, *we* shall be eat up last, if it can tax the Americans. Who will feed us in the

* Pa. 47, 48.

mean-time, the Americans will guess pretty well.

Yet, silly as this last argument is, he leans on it further*, for an answer to the *Old Member*; whose observations carry so much self-evident truth, in subversion of the nonsensical stuff, that neither America would be oppressed, nor its commerce with us impoverished, by taxes, that it is enough to say on this matter, *one cannot eat one's cake, and have it.*

But he has one word more to say to this *Old Member* upon *Ireland*. To draw a line of distinction between that country and America, he poorly stoops to retail the observation, that *Ireland hath a parliament of its own*; it hath a *paraphernalia*, as we have heard it said. When I was young, I used to hear with great assent, *prodest sua purpura regi*. But since I grew up, I never could think there was any thing in this, to affect any other than

* Pa. 48, 49.

empty num-sculls. Yet I am now brought back again to know myself wrong, and to find, that it is decisive of the state of kingdoms, as well as *the state of kings*. And our author will employ the imagination of his readers to good account for his friends, if he can bring them to view the essence of primary liberty through this medium. Yet, this is a dispute about words: words cannot alter the nature of things. Without enquiring, what is the precise language of any one colony-charter, we look to their *assemblies*, and we see a *parliament*. Ireland indeed hath its *lords*: because Ireland had its *kings*. And the condition on which it submitted to Hen. II. was, to be governed in the *form* in which England was governed. America was found in an un-titled state of nature. It has therefore no prescription to plead to any rank but one. Yet it has its *councils*, answering in form to *lords*. And whether *the parliament of Britain* ever acknowledge its *assemblies* by the name of *parliaments*, or call them *assemblies* still, or even with our
author,

author, *vestries*, will weigh little with any man of sense or thought.

He next touches, * but by way of recital only, the argument which the Americans and their friends have drawn from the past circumstances of the *counties Palatine and Wales*. As he hath broached the subject, he must take it with all its consequences. Surely he never perused the act of 34 and 35 *Hen. 8.* which gave representatives to *Chester*. The Americans cannot say more than the preamble of that act recites; that “the county of Chester had been
“ *touched, and grieved, and suffered da-*
“ *mages,* by having no representatives in
“ parliament, and yet being bound by its
“ *acts as far forth* as other parts that had
“ *representatives.*” In 25 *Car. 2.* the act which gave representatives to the county of *Durham*, though not quite so strong, speaks but little short of the other. Its preamble says, that “*Durham*, having
“ never been represented in parliament,

* Pa. 50.

“ was

“ was equally concerned, with the other
 “ parts of the kingdom, *to represent the*
 “ *condition of their country.*” That parlia-
 ment should tax them unrepresented,
 proves no more, than its present attempt
 to tax the Americans proves. But incon-
 trovertibly, it is concluded by its own de-
 clarations in these acts, that such a thing
 is *grievous, injurious, &c.* These acts there-
 fore give a flat contradiction to what our
 author would insinuate, that these counties
 Palatine *exchanged some peculiar institutions*
of their own for this privilege of representa-
tives. It is plain the measure arose upon
 the very ground, on which the Americans
 now stand. *What peculiar institutions did*
they exchange?

He just flurs over* the ministerial argu-
 ment of a *virtual representation*, as if he
 would not wholly give it up. And I
 wonder not he flurs it over. By this time
 I should think it was out of credit. But,
 as he hath noticed it, I shall beg leave to

* Pa. 50, 51.

observe

observe in return, that the idea is founded in folly, and terminates in falsehood. For, with respect to the people in England, those who have no voices for representatives, yet have lands, or, if not lands, occupancies, of some kind or other; and both lands and occupancies are represented in England. But where shall we find a representation of lands or occupancies in America? Representation with us, as it hath power to *bind*, so it of course *represents*, *all possessions* in the country. Else, how *unequal* would it be, how *unreal*; and freedom also? That he, whose estate or occupancy is contiguous to mine, sends a representative to parliament, is neither freedom to me, nor security to my property, nor an assurance that it is taxed in proper measure.

Now comes his last blow to *representation*, and the whole question. And this will need but a few words in reply.

WHEN

WHEN he asks*, in the sneering supposition of their taxing themselves, *what power is to remain in the legislature here*, behind the requisitions which may be made? We answer very readily; the same that it hath ever had, and with which things have ever gone on well between us and America, till we wanted to grasp at more.

WHEN he asks†, how a representation can be given to the Americans? what number it shall consist of? where the principle will end? and whether it be right to put the House of Commons in such a state of fluctuation? We wish him to save himself all these pains: for, whatever such good friends as himself to the Americans may have projected, *they ask none of these things for themselves. This inestimable right of representation they have never been so bold to solicit.* They are very sensible, that if they had *twenty-three, or one hundred and twenty-three representatives*, they

* Pa. 52.

† Pa. 52, 53, 54.

would

would equally be of no avail to them. They might justly say with *Haman*, *all this avail-eth us nothing, while we see Mordecai*, with his revenues in his hand, *sitting at the gate*. They know, as well as our author, that *there is no difference between him that is taxed by compulsion without representation, and him that is represented in order to be taxed.*

Timeunt danaos et dona ferentes.

Thus I have taken notice of all that appears in our author's pamphlet worthy either of my animadversion, or of taking up the reader's time. He is welcome to all that follows in the remaining pages. I must say, a stronger proof cannot be given, that administration finds itself run to earth, upon the merits of the great question now depending between itself and America, than in the publication of that pamphlet. It had been better, *that it had never been born*. The world might then have given them credit for many weighty arguments in their own breasts. But now they have exposed *the nakedness of their land*. Like

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honest

honest men, they have published their case; but, like unfortunate men, they have lost the verdict. There is but one method left for consistency: Having appealed to the public, they should abide by the public voice, and resign at least the measures, which neither art nor eloquence can defend.

A *Colossus* in argument is like a lighted beacon in the country; it draws all men forth from their retirements. Such a one is in some sort a general challenger. And when a *Goliath* contemptuously throws down his glove to the whole forces of human kind, no wonder if a stripling *David* should go forth to meet him. He may count it honor, even to be defeated.



F I N I S.